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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,777	06/20/2001	Rogelio Peon	PEON 5-1-3	3651
7590	09/21/2004		EXAMINER	
William H. Murray, Esquire Duane, Morris & Heckscher LLP One Liberty Place Philadelphia, PA 19103-7396			MEEK, JACOB M	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/885,777	Applicant(s) PEON ET AL.	
	Examiner Jacob Meek	Art Unit 2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,9,13 and 14 is/are rejected.
- 7) ☒ Claim(s) 3-8, 10-12, 15-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of numerous handwritten annotations. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cathers et al (US Patent 5,511,092).

With regard to Claim 1, Cathers teaches an apparatus for a correlator circuit (see Figure 1, reference 102, 103) that detects an incorrect convergence of adaptive equalizer (see Figure 1, reference 101) and outputs a correlator output signal (see Figure 1, reference 107, 108); and a corrector filter (see Figure 1, reference 101, 104) that receives an input signal (Fig 1, ref 105) and the correlator output signal (Fig 1, ref 107, 108), and applies a correction to the input signal based on the correlator output signal, to form a corrected signal that is a time delayed copy (see Fig 2, ref 201-1, ...,n where 201 are delay elements) of the input signal.

With regard to Claim 2, limitations of Claim 1 as taught above, with the addition of Cathers teaching a correlator circuit block with a means for calculating the correlation function of the equalizer output (see Figures 1, ref 102, 103 and Figure 3, reference 301, 303).

With regard to Claim 13, the method is taught as a function of the apparatus of Claim 1 as above.

With regard to Claim 14, the method is taught as a function of the apparatus of Claim 2 as above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Cathers et al (US Patent 5,511,092) in view of Limberg (US Patent 5,901,175).

With regard to Claim 9, Cathers teaches the limitations of Claim 1 above. Cathers fails to teach an equalizer (corrector) that provides IIR functionality. Limberg teaches the use of an IIR filter (See Summary of Invention) and discloses that this equalizer would be suitable for use in a telephony application (see Column 1, line 20 – 46). It would have been obvious to one of ordinary skill in the art to combine Limberg's equalizer to compensate for line distortion with Cathers adaptation circuit to produce a circuit as described by the applicants.

Allowable Subject Matter

4. Claims 3 – 8, 10-12, and 15 –20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including

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all of the limitations of the base claim and any intervening claims. Examiner has not found art that specifies the equations as used by applicant or the specifics of the nature of the components or the interconnection of those components. However, the NPL reference does appear to teach equations that are very similar in form to the applicant's claims and will need to be carefully scrutinized.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Meek whose telephone number is (571)272-3013. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMM

TEMESGHEN GHEBRETINSAE
PRIMARY EXAMINER